

Committee wraps up crime code loose ends

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By STUART MARQUES

A legislative committee yesterday put the final touches on a bill revising and plugging loopholes in the state's new criminal code.

The Senate Judiciary Committee approved 95 pages of changes to the 212-page code — covering everything from sex between teenagers to shopping on Sunday.

The committee sent the bill to the full Senate following a 9-0 vote. The Assembly Judiciary Committee has approved a similar bill and is reportedly in "98 per cent agreement" with the Senate version.

"I don't foresee any problem in working out the differences and getting the bill to the Governor by the deadline," said Assembly Judiciary Committee Chairman Martin Herman (D-Salem). The deadline is Sept. 1, when the code is to take effect.

The major section of the bill basically keeps the age of sexual consent at 16. The original code would have lowered it to 13. The change follows a storm of protest from parents.

The changes make it a crime punishable by up to 20 years in jail for anyone to have sex with someone under 13. Sex with a consenting boy or girl aged 13 to 16 would be punishable by 5 to 10 years in prison only if the adult is at least four years older than the victim.

Supporters of the change say the age difference will punish adults who "take advantage" of youngsters, without severely penalizing two teenage lovers.

In situations in which both people are between 13 and 16, the youngsters

NJ-PENAL CODE

could be subject to juvenile court discipline. "We just want to show that the Legislature is not putting its stamp of approval on 13- and 14-year-old sex," Herman said.

The changes are an alternative to a quickly passed bill now sitting on Gov. Brendan Byrne's desk. That bill is full of loopholes and, critics claim, is unduly harsh.

Another revision would keep on the books laws requiring stores to be closed Sunday in certain counties. The original code repealed the so-called Blue Laws.

Other revisions completed yesterday would:

- Retain a section allowing a woman to charge her husband with rape. The original code included that provision, but some lawmakers tried to weaken it.

- Allow drunkenness as a defense to a crime. That does not mean it is an excuse, it merely lets the defendant offer it as an explanation for his actions. Sen. Joseph Maressa (D-Camden) objected, calling for a "hard-line" approach.

- Allow insanity as a defense, while requiring the defense to prove the claim "by a preponderance of the evidence."

- Limit the number of quasi-law enforcement agencies whose members could carry their weapons while off duty. Agencies who would not be permitted off-duty carrying include campus police and county corrections officers.

- Permit probation officers to make arrests, but deny them permission to carry weapons.